

DEC 11 2015

SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

M. Baker

RIF 1503316

MFG

DEC 11 2015

People of the State of California

v.

Benjamin Russell Shafer

RSO Case: PC15-250-0080

Declaration in Support of Arrest Warrant
For violation of:

CPC 273a(a): *Willful Harm Likely to Produce*
GBI and CPC 245 (a)(4); *Force Likely To*
Produce GBI

The undersigned, P. M. Morris, declares that he is a sworn peace officer and a Senior Investigator with the Riverside County District Attorney's Office. On 12-9-15, I concluded a follow up investigation on RSO case #PC15-250-0080. This case involves allegations of physical child abuse on the part of Benjamin Russell Shafer against his step-son, 17 year old John Doe. My investigation included a review of reports and audio recording generated by RCDA investigators, RSO investigators, and those reports and audio recordings included in another investigation into these allegations conducted by the Riverside Police Department under case #P15136731. I offer the following summary of my review of these investigations:

On 9-7-15, John Doe reported to RSO that Shafer had physically abused him in the front yard of his residence after Shafer learned that Doe allowed a friend to drive his car and a minor accident occurred. Doe said the abuse included Shafer smacking him in the face, body slamming him onto the hood of a car, leg-sweeping him as he was running away, causing him to land on his head, and kicking him in the rib cage while he was on the ground and in the fetal position. Doe further said that after he and Shafer separated and Doe went inside his residence to pack and leave, Shafer again assaulted him, hitting him, grabbing him by the neck and slamming him against a door frame, causing him to hit his head. Doe said Shafer then physically threw him out of the house. Doe said he did not fight Shafer in any way, saying he told Shafer he was not going to fight him and pleaded with him not to touch him and to let him leave. Doe had pain in his ribcage and had difficulty breathing and was taken via ambulance to Riverside Community Hospital ER. Doe said the incident made worse a prior rib injury he suffered before the incident and feared his ribs were possibly fractured. A medical examination determined Doe did not suffer any rib fractures but the incident likely exacerbated his prior rib injury. RSO took photographs of Doe and the only visible injury was a small scrape on the lower right side of his back.

Under a Beheler advisement, Shafer told RSO he had smacked Doe and leg swept Doe to prevent Doe from harming himself or Shafer while they were struggling during the incident and so the incident would end. Shafer denied he kicked or punched Doe, denying "brutalizing" Doe in such a manner. Shafer denied slamming Doe onto the hood of a car. Shafer denied he assaulted Doe inside the house, saying he threw the bag Doe was packing out the door and that was all. Shafer acknowledged he was aware Doe had suffered a rib injury about 1 ½ weeks prior to the incident. RSO asked Shafer if he thought Doe had cracked his ribs while wrestling for that prior injury and Shafer corrected them, saying, "No! I know

he did!" telling RSO Doe's mother Stephanie, who is a nurse, examined the prior injury and felt Doe had cracked his ribs.

There were 5 witnesses to the initial assault in the front yard and 1 to the second assault inside the house. These witnesses are Doe's sister (Jessica Green), Doe's mother Stephanie, Doe's 8 year old brother Benjamin Jr., as well as 2 independent witnesses; Merrill Miller, Doe's wrestling coach, and Austin Wilson, Doe's friend and wrestling team member. The statements of all but Benjamin Jr. are consistent in that they state Shafer smacked or punched Doe in the face, grabbed Doe by the neck and slammed him against the hood of a car, and leg swept him to the ground during the assault in the front yard. Jessica also said she saw Shafer assault Doe inside the residence, saying Shafer grabbed Doe by the neck, hit him, pushed Doe against a wall and "put him out the door." Jessica said Doe did not fight back with Shafer, asked Shafer not to touch him and to let him leave. Benjamin Jr. was interviewed by RCDA investigators on 11-12-15 and said he saw Shafer smack Doe in the face during this incident. Benjamin Jr said Doe had a red mark on his face, fell to the ground after being slapped and was crying. Witnesses Miller, Wilson and Jessica said Shafer kicked Doe in the side while he was on the ground during the incident in the front yard. Miller and Wilson, as trained wrestlers, described Shafer as performing a text book leg sweep on Doe while he was running away, with Miller adding that once on the ground; Shafer forcefully dropped into Doe's side with his knee. Both Miller and Wilson said Shafer kicked Doe in his ribs while Doe was on the ground and in the fetal position. Miller said he called 911 for Doe, fearing he had sustained a rib fracture due to his complaint of rib pain and his having difficulty breathing. Doe was transported via ambulance to the emergency room at Riverside Community Hospital.

Wherefore, declarant prays that an Arrest Warrant issue for the arrest, day or night, for Shafer, Benjamin Russell: M/W, 6-2/220, BLK hair, BLU eyes; DOB: 4-4-1973; Address: 16290 Quarter Horse Lane Lake Mathews, CA 92504/CDL #A5322982.

LAW ENFORCEMENT:

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12-10-15

Signature

P. M. MORRIS

Print Name

JUDICIAL OFFICER:

☒ Approved ☐ Disapproved

Bail: \$35,000 Date: 12-11-15

Signature

Matthew Pearson

Print Name

